



NEWS RELEASE

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 30, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-135 People v. Casperson, S080250. (G020820.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case includes an issue related to one addressed in People v. Kelii, 21 Cal.4th 452, a recently filed decision that is not yet final.

#99-136 Flannery v. Prentice, S080150. (A083668; 72 Cal.App.4th 395.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether attorneys' fees awarded under the Fair Employment and Housing Act belong to the party or to the party's attorneys. (See Gov. Code, § 12900 et seq.)

#99-137 Gerawan Farming, Inc. v. Veneman, S080610. (F031142; 72 Cal.App.4th 1025.) Petition for review after the Court of Appeal affirmed the judgment in an action for declaratory and injunctive relief. This case concerns whether the state may, consistent with state constitutional liberty of speech rights,

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allow producers of an agricultural commodity to establish a program requiring all producers and handlers of the commodity to fund generic advertising for the commodity.

#99-138 People v. Harris, S080326. (B119787; 72 Cal.App.4th 711.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case includes an issue, concerning whether a Court of Appeal may decline to consider a claim the trial court failed to impose a mandatory fine when the People have not first sought correction in the trial court, which is related to an issue before the court in People v. Tillman, S077360. (See #99-57.)

#99-139 People v. Haynes, S080149. (A078379; 72 Cal.App.4th 337, mod. 73 Cal.App.4th 41h.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents issues, concerning the constitutionality and construction of the hearsay exception established by Evidence Code section 1294, which are related to issues before the court in People v. Duarte, S068162. (See #98-45.)

#99-140 Hi-Voltage Wire Works, Inc. v. City of San Jose, S080318. (H018407; 72 Cal.App.4th 600.) Petition for review after the Court of Appeal affirmed the judgment in an action for declaratory and injunctive relief. This case concerns whether a city's "outreach" program for seeking the participation of minority-owned and woman-owned businesses in public contracts violates Proposition 209. (See Calif. Const., art I, § 31.)

#99-141 Keenan v. Superior Court, S080284. (B128379; 72 Cal.App.4th 681.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case concerns 1) whether a statutory ban on a convicted felon receiving income from the sale of an expressive work that includes the story of his or her felony violates the free speech clause of the state or federal

constitutions and 2) whether, consistent with the ex post facto clauses of those constitutions, such ban may be applied to felonies which predate enactment of the statute. (See Civ. Code, § 2225.)

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